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**Don Schonhardt**  
Mayor

September 18, 2018

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, District of Columbia 20554

Re: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79

Dear Secretary Dortch:

The City of Hilliard, Ohio (the "City"), is concerned with the Federal Communications Commission's (the "Commission") proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment. The City desires to work with the industry to ensure Broadband Deployment but is deeply concerned about several provisions of this proposal.

The City appreciates the Commission's efforts to engage with local governments on this issue and share the Commission's goal of ensuring the growth of cutting-edge broadband services for all Americans, however, the City has an important responsibility to protect the health, safety and welfare of its residents, and is concerned that these preemption measures compromise that traditional authority and expose wireless infrastructure providers to unnecessary liability.

- **The FCC's proposed new collocation shot clock category is too extreme.**

The proposal designates any preexisting structure, regardless of its design or suitability for attaching wireless equipment, as eligible for this new expedited 60 day shot clock. When paired with the FCC's previous decision exempting small wireless facilities from federal historic and environmental review, this places an unreasonable burden on local governments to prevent historic preservation, environmental, or safety harms to the community. The addition of up to three cubic feet of antenna and 28 cubic feet of additional equipment to a structure not originally designed to carry that equipment is substantial and may necessitate more review than the FCC has allowed in its proposal.

- **The FCC's proposed definition of "effective prohibition" is overly broad.**

The draft report and order proposes a definition of "effective prohibition" that invites challenges to long-standing local rights of way requirements unless they meet a subjective



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and unclear set of guidelines. While the Commission may have intended to preserve local review, this framing and definition of effective prohibition opens local governments to the likelihood of more, not less, conflict and litigation over requirements for aesthetics, spacing, and undergrounding.

- **The FCC's proposed recurring fee structure is an unreasonable overreach that will harm local policy innovation.**

The City disagrees with the FCC's interpretation of "fair and reasonable compensation" as meaning approximately \$270 per small cell site. Local governments share the federal government's goal of ensuring affordable broadband access for every American, regardless of their income level or address. That is why many cities have worked to negotiate fair deals with wireless providers, which may exceed that number or provide additional benefits to the community. Additionally, the Commission has moved away from rate regulation in recent years. Why does it see fit to so narrowly dictate the rates charged by municipalities in this situation?

Over the past year, the City, along with other municipalities in Ohio, worked with wireless service providers to reach a consensus regarding the deployment of small cell facilities in Ohio. The result was House Bill 478, which Governor John Kasich signed earlier this year. HB 478 provides for the orderly deployment of small cell facilities throughout the City, while also preserving the City's ability to ensure and protect the health, safety and welfare of its residents.

Despite the concern regarding issues of local sovereignty and possible federal takings, should the Commission proceed with enacting this Order, the City requests an exemption for those states in which the wireless industry and municipalities have reached consensus regarding the placement and installation of small cell facilities and the associated fees, timelines and aesthetics.

The City desires to continue to work with the industry to build the best broadband infrastructure possible for our residents. However, we oppose this effort to restrict our local authority and stymie local innovation, while limiting the obligations providers have to our community. The City of Hilliard urges the Commission to oppose this declaratory ruling and report and order.

Respectfully submitted,

Donald J. Schonhardt  
Mayor  
City of Hilliard, Ohio